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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

TIMOTHY MEACHAM,

Plaintiff,

v.

SPIRIT AIRLINES INC. and; KERRIE
CONRAD,

Defendants.

Case No. 3:15-cv-00338-SI

**DEFENDANT SPIRIT AIRLINES
INC.'S ANSWER AND
AFFIRMATIVE DEFENSES

DEMAND FOR JURY TRIAL**

COMES NOW defendant Spirit Airlines, Inc. (“Spirit”) and answers plaintiff’s Complaint (filed in the Circuit Court of the State of Oregon for the County of Multnomah¹) as follows:

¹ Plaintiff’s state court action was removed to this Court on February 25, 2015.

1. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and therefore denies those allegations.

2. Spirit admits the allegations of paragraph 2.

3. Spirit admits the allegations of paragraph 3.

4. Spirit admits the allegations of paragraph 4.

5. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 and therefore denies those allegations.

6. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 and therefore denies those allegations.

7. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 and therefore denies those allegations.

8. Spirit admits that Meacham, Allison McDonouth, Sarah Torneby, and Megan Torneby boarded a Spirit Airlines airplane at Gate D-2 at the Portland International Airport. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 8 and therefore denies those allegations.

9. Spirit admits the allegations of paragraph 9.

10. Spirit admits that Kerrie Conrad came aboard the plane after the passengers had boarded and sat down and told Allison McDonough that she should exit the airplane. Spirit admits that Kerrie Conrad escorted Meacham, Allison McDonouth, Sarah Torneby, and Megan Torneby off of the airplane. Spirit denies the remaining allegations of paragraph 10.

11. Spirit admits the allegations of paragraph 11.

12. Spirit denies the allegations of paragraph 12.

13. Spirit admits that paramedics came to the jet bridge. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 13 and therefore denies those allegations.

14. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 and therefore denies those allegations.

15. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15 and therefore denies those allegations.

16. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 and therefore denies those allegations.

17. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17 and therefore denies those allegations.

18. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 and therefore denies those allegations.

19. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19 and therefore denies those allegations.

20. Spirit reasserts and re-alleges each and every answer contained in the preceding paragraphs of this Answer, and incorporates them herein by reference as though set forth herein.

21. Spirit admits that Meacham was a customer of Spirit. Spirit denies the remaining allegations of paragraph 21.

22. Spirit denies the allegations of paragraph 22.

23. Spirit denies the allegations of paragraph 23.

24. Spirit denies the allegations of paragraph 24.

25. Spirit denies the allegations of paragraph 25.

26. Spirit denies the allegations of paragraph 26.

27. Spirit denies that it was negligent and denies that it has any liability for alleged injuries and damages. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 27 and therefore denies those allegations.

28. Spirit denies the allegations of paragraph 28.

29. Spirit denies the allegations of paragraph 29.

30. Spirit denies the allegations of paragraph 30.

31. Spirit denies the allegations of paragraph 31.

32. Spirit denies the allegations of paragraph 32.

33. Spirit denies the allegations of paragraph 33.

34. Spirit reasserts and re-alleges each and every answer contained in the preceding paragraphs of this Answer, and incorporates them herein by reference as though set forth herein.

35. Spirit admits that it is a common carrier and that it has the duties of a common carrier. Spirit denies the remaining allegations of paragraph 35.

36. Spirit denies the allegations of paragraph 36.

37. Spirit denies the allegations of paragraph 37.

38. Spirit denies that it was negligent and denies that it has any liability for alleged injuries and damages. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 38 and therefore denies those allegations.

39. Spirit denies that it was negligent. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 39 and therefore denies those allegations.

40. Spirit denies the allegations of paragraph 40.

41. Spirit denies the allegations of paragraph 41.

42. Spirit denies the allegations of paragraph 42.

43. Spirit denies the allegations of paragraph 43.

44. Spirit denies the allegations of paragraph 44.

45. Spirit reasserts and re-alleges each and every answer contained in the preceding paragraphs of this Answer, and incorporates them herein by reference as though set forth herein.

46. Spirit admits the allegations of paragraph 46.

47. Spirit admits the allegations of paragraph 47.

48. Spirit denies the allegations of paragraph 48.

49. Spirit denies the allegations of paragraph 49.

50. Spirit denies the allegations of paragraph 50.

51. Spirit denies that it was negligent and denies that it has any liability for alleged injuries and damages. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 51 and therefore denies those allegations.

52. Spirit denies that it was negligent. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 52 and therefore denies those allegations.

53. Spirit denies the allegations of paragraph 53.

54. Spirit denies the allegations of paragraph 54.

55. Spirit denies the allegations of paragraph 55.

56. Spirit denies the allegations of paragraph 56.

57. Spirit denies the allegations of paragraph 57.

58. Spirit denies the allegations of paragraph 58.

59. Spirit denies the allegations of paragraph 59.

60. Spirit denies the allegations of paragraph 60.

61. Spirit denies the allegations of paragraph 61.

62. Spirit reasserts and re-alleges each and every answer contained in the preceding paragraphs of this Answer, and incorporates them herein by reference as though set forth herein.

63. Spirit denies the allegations of paragraph 63.

64. Spirit denies the allegations of paragraph 64.

65. Spirit denies the allegations of paragraph 65.

66. Spirit denies the allegations of paragraph 66.

67. Spirit denies the allegations of paragraph 67.

68. Spirit denies the allegations of paragraph 68.

69. Spirit denies the allegations of paragraph 69.

SPIRIT'S AFFIRMATIVE DEFENSES

1. Plaintiff's alleged damages and injuries if any, were proximately caused or contributed to in whole or in part by the superseding, intervening, unexpected, and unforeseeable acts or omissions of individuals or entities over whom Spirit exercised no control, which bars plaintiff from recovering damages against Spirit or limits plaintiff's recovery.

2. Plaintiff's alleged damages and injuries, if any, were proximately caused or contributed to in whole or in part by plaintiff, which bars plaintiff from recovering damages against Spirit or limits plaintiff's recovery.

3. Plaintiff's claims are preempted by federal law.

PRAYER

WHEREFORE, having fully answered the allegations in plaintiff's Complaint, Spirit prays that judgment be entered against the plaintiff and in favor of Spirit, that the Complaint and every count therein be dismissed, that costs and disbursements be awarded to Spirit, and that Spirit have such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Spirit Airlines, Inc. demands a trial by jury.

DATED this 23rd of March, 2015.

s/ Steven O. Rosen

Steven O. Rosen, OSB # 785009

Rosen@RosenLawFirm.com

Of Attorneys for Defendant Spirit Airlines, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DEFENDANT SPIRIT AIRLINES INC.'S ANSWER AND AFFIRMATIVE DEFENSES** by the following indicated method or methods:

- ☐ by **mailing** full, true, and correct copies thereof in sealed, first-class postage-prepaid envelopes, addressed to the attorney(s) as shown below, the last-known address(es) of the attorney(s) and deposited with the United States Postal Service at Portland, Oregon on the date set forth below.
- ☐ by causing full, true, and correct copies thereof to be **hand-delivered** via messenger to the attorney(s) at the last-known address(es) listed below on the date set forth below.
- ☒ Notice of this filing will be sent by e-mail to plaintiff's counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

Mr. William Ball
Attorney William Ball, LLC
420 SW Washington, Suite 400
Portland, OR 97204

Attorney for plaintiff Timothy Meacham

DATED this 23rd day of March, 2015.

s/ Steven O. Rosen

Steven O. Rosen, OSB #785009